

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA

v.

JASON JERNIGAN

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Case No.: 2:05-cr-258-MEF-CSC

**EXPEDITED UNOPPOSED MOTION TO DISMISS THE PETITION FOR
REVOCATION OF SUPERVISED RELEASE**

COMES NOW the Defendant, Jason Jernigan, by and through undersigned counsel, and moves to this Honorable Court to dismiss the petition for revocation of his supervised release filed on March 11, 2008 (Doc. # 44), and to order his release from custody of the United States Marshals as expeditiously as possible. In support of this motion, Mr. Jernigan would show the following:

1. Mr. Jernigan was arrested on a petition to revoke his supervised release on March 11, 2008. (Doc. # 44.) Allegations in the petition were based on events supposedly occurring in Splendora, Texas. Those allegations, from all available evidence, are unfounded.

2. Undersigned counsel conducted investigation in Montgomery County, Texas, and submitted the results to United States Probation Officer David Conoly on April 9, 2008. Documents submitted to USPO Conoly include:

- a. Medical records from Cleveland Regional Medical Center for Faith Blake, the complaining witness in the underlying assault case, showing no documents for March 8, 2008, the date she represented that she went to the hospital after being struck by Mr. Jernigan (*see* Exhibit A, statement from the Cleveland Regional Medical Center custodian of records);
- b. Statement from Jeffery Lochore, owner of the property at 27981 Pin Oak

- Drive, Splendora, Texas, stating that there have never been any phone jacks in the trailer located on the specified property (*see* Exhibit B); and
- c. Photographs taken by Federal Defender paralegal Nancy Ezell at 27981 Pin Oak Drive, Splendora, Texas, showing closets which have no doors and no hinges to support doors (*see* Exhibit C).
3. Additioanlly, USPO Conoly has provided to undersigned counsel the following:
- a. A supplement to the Montgomery County, Texas, casefile recommending that prosecution of the case be refused because of the lack of credibility of the complaining witness, Faith Blake (*see* Exhibit D); and
- b. A letter from Jeff Helms, Montgomery County, Texas, District Attorney's Office, to the Warrants Division of that office requesting that the warrant on Mr. Jernigan be recalled (*see* Exhibit D).
4. USPO Conoly does not oppose dismissal of the petition.
5. The Government does not oppose dismissal of the petition.

WHEREFORE, for the reasons stated above, Mr. Jernigan requests that this Court dismiss the petition to revoke his supervised release and order release of Mr. Jernigan from the custody of the United States Marshals as soon as possible.

Dated this 10th day of April 2008.

Respectfully submitted,
/s/ Anne E. Borelli
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CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:
Kent B. Brunson, Esq., Assistant U. S. Attorney, and Nathan Stump, Esq., Assistant U. S. Attorney.

Respectfully submitted,

/s/ Anne E. Borelli
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